

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ELECTION SYSTEMS & SOFTWARE,  
LLC,

Plaintiff,

vs.

RBM CONSULTING, LLC, GERALD G.  
HAYEK, an individual;

Defendants.

**8:11CV0438**

**AMENDED  
FINAL PROGRESSION ORDER**

The parties Joint Motion to Extend Case Progression Schedule (Filing No. 46) is granted.

IT IS ORDERED that the amended progression order is as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in the United States Courthouse, Omaha, Nebraska, at 9:00 a.m. on **May 20, 2014**, or as soon thereafter as the case may be called, for a duration of ten (10) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **April 22, 2014 at 10:00 a.m.**, and will be conducted by WebEx conferencing. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [zwart@ned.uscourts.gov](mailto:zwart@ned.uscourts.gov), in either Word Perfect or Word format, by 5:00 p.m. on April 21, 2014. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.
- 3) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure (**as to Complaint**) is October 14, 2013. Motions to compel Rule 33 through 36 discovery (**as to Complaint**) must be filed by August 30, 2013.
- 4) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure (**as to Counterclaim**) is February 24, 2014. Motions to compel Rule 33 through 36 discovery (**as to**

**Counterclaim**) must be filed by February 10, 2014.

- 5) The deadlines for complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), (**as to the Complaint**) are:

For the plaintiff(s):	August 1, 2013
For the defendant(s):	September 3, 2013
For the plaintiff(s) rebuttal:	September 24, 2013.

- 6) The deadlines for complete expert disclosures, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), (**as to the Counterclaim**) are:

For the defendant(s):	December 2, 2013
For the plaintiff(s):	January 10, 2014
For the defendant(s) rebuttal:	February 3, 2014

- 7) The deposition deadline (**as to the Complaint**) is October 31, 2013.
- 8) The deposition deadline (**as to the Counterclaim**) is March 10, 2014.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is February 24, 2014.
- 10) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is February 24, 2014.
- 11) **The parties are hereby notified that no further extensions will be granted absent a substantial showing of good cause.**

April 5, 2013.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge